

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SYSTEM ONE HOLDINGS, L.L.C., a)	Civil Action No.: 2:07-CV-00132
Delaware limited liability company,)	
)	
Plaintiff,)	
)	Jury Trial Demanded
v.)	
)	
RALPH H. HILL, JR., an individual,)	
)	
Defendant.)	
)	
)	

ORDER OF DISMISSAL WITHOUT PREJUDICE

AND NOW, this 14th day of August, 2009, following entry of the July 24, 2009 Order of Court granting the Parties' Stipulation of Dismissal of Certain Claims (Docket No. 147) and it appearing that the amount in controversy in the remaining Conversion Claim is less than the \$75,000.00 required to maintain diversity jurisdiction, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The claim of System One Holdings, LLC against Ralph H. Hill, Jr. reflected in the Conversion Claim, which represents the remaining claim in this action, is hereby DISMISSED, without prejudice to System One Holdings, LLC's right to transfer such claim to state court.

2. Because the Amended Complaint in this action includes numerous claims and related exhibits that do not relate to the Conversion Claim and that were previously dismissed with prejudice in this action by Order of Court dated July 24, 2009 (Docket No. 147), the Court concludes that the default procedure for transferring the Conversion Claim to state court pursuant to 42 Pa. C.S.A. § 5103(b)(2) would be unnecessarily cumbersome and contrary to judicial economy. Accordingly, in lieu of the procedures described in 42 Pa. C.S.A. § 5103(b)(2),

System One may effect a transfer of the Conversion Claim to state court by filing a new complaint in a court of the Commonwealth, which complaint shall be limited in sum and substance to the allegations reflected in paragraphs 3, 44, 46, 47, 49, 50, and 151 of the Amended Complaint in this action. Hill's answer to such complaint shall be limited in sum and substance to those responses and defenses asserted in the corresponding paragraphs and affirmative defenses in Hill's Answer and Affirmative Defenses to the Amended Complaint in this action.

3. The Clerk of Courts is directed to docket this case as closed and to discharge the cash security bond posted by Plaintiff's counsel on or about May 31, 2007 (Docket No. 44) by issuing a check in the amount of \$5,000.00 payable to Cohen & Grigsby, P.C.

s/Terrence F. McVerry
United States District Judge Terrence F. McVerry